

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIAM A. WARE, *et al.*,

Plaintiffs,

VS.

FEDERAL HIGHWAY
ADMINISTRATION, *et al.*

Defendants.

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CIVIL ACTION NO. H-11-848

ORDER

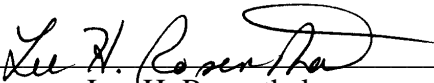
On April 7, 2014, the court held a status conference and ordered the plaintiffs to file their Fourth Amended Complaint by April 21, 2014. At that conference, the court also ordered the defendants to notify the court whether the new complaint would require rebriefing on the pending motions to dismiss and set a May 19, 2014 deadline for refileing the motions should the defendants opt to withdraw the pending motions.

On motion, and with permission of the court, the plaintiffs filed their Fourth Amended Complaint a day late—on April 22, 2014. On April 28, 2014, despite the court’s repeated attempts to give the plaintiffs ample time to amend the complaint and present clear allegations to the court and the parties, the plaintiffs moved to file a “Corrected Fourth Amended Complaint,” effectively their sixth complaint. (Docket Entry Nos. 101, 102). On May 5, 2014, the defendants filed their notice of intent to file new motions to dismiss and requested clarification on the briefing schedule that the court set on April 7, 2014 in light of the plaintiffs’ attempt to file another complaint.

This case must move forward. The plaintiffs’ motion to file another complaint, (Docket Entry No. 101), is denied and the defendants’ deadline to file motions to dismiss the Fourth

Amended Complaint (Docket Entry No. 98) remains set for May 19, 2014.

SIGNED on May 15, 2014, at Houston, Texas.



Lee H. Rosenthal
United States District Judge